

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: David Quigley, AICP, Planning and Zoning Manager/(954) 797-1103

PREPARED BY: David Abramson, Deputy Planning & Zoning Manager

SUBJECT: Resolution

AFFECTED DISTRICT: 2

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: QUIT-CLAIM DEED - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A QUIT-CLAIM DEED TRANSFERRING REAL PROPERTY TO DAVIE ESTATES 2004, LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The petitioner (GGB Engineering, Inc.) is requesting the Town to execute a quit-claim deed conveying two portions of real property within a previously approved plat (Davie Estates). The property was originally quit-claimed to the Town on October 31, 1978 for a future roadway. However, the plat currently provides a fifty-foot public roadway along the perimeter and there is no longer a need for said property. Broward County has approved the plat but will not record it until this situation is resolved.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Other - Approve the proposed resolution.

Attachment(s): Resolution; Justification Letter; October 31, 1978 Quit Claim Deed;
Resolution No. R-2007-83; Proposed Quit Claim Deed

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A QUIT-CLAIM DEED TRANSFERRING REAL PROPERTY TO DAVIE ESTATES 2004, LLC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner, Davie Estates 2004 LLC, is requesting the Town of Davie execute a quit-claim deed; and,

WHEREAS, the Town of Davie accepted a quit-claim deed of the real property for the use of future local roadways on October 31, 1978; and,

WHEREAS, the quit-claim deed of real property was recorded in Book 7937, Page 588 of the Public Records of Broward County, Florida on December 19, 1978; and,

WHEREAS, the south 50 feet of the north 250 feet of tract 38 and the north 50 feet of the south 250 feet of tract 40 quit-claim deeded to the Town have not been improved for roadways; and,

WHEREAS, Resolution R-2007-83 of the Town of Davie, approved the plat known as “Davie Estate”; and,

WHEREAS, the owner has dedicated land for fifty-foot public roadways along the perimeter of the property as part of said “Davie Estates” plat application.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby authorize the Mayor to execute a quit-claim deed to Davie Estates 2004, LLC, which is attached hereto;

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

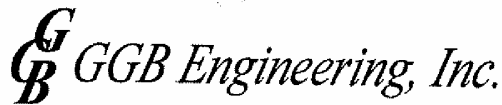
PASSED AND ADOPTED THIS _____ DAY OF _____, 2010.

MAYOR/COUNCILMEMBER

ATTEST:

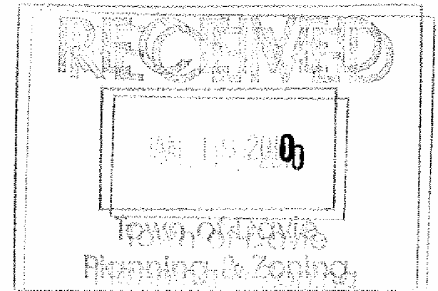
TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2010.



Civil Engineers • Forensic Engineers •
Construction Managers • Land Planners

Town of Davie
6591 Orange Drive
Davie, FL 33314-3348
Tel: (954) 797-1000



Date: January 14, 2010
Submitted via: Hand Delivered

Subject: "Davie Estates" Plat
Parcel ID # 504135020080, 504135020090, 504135020100
GGB Project No. 03-0828
Property Owner: Davie Estates 2004, LLC.

Justification Letter

To whom it may concern,

Proposed development of 19 dwelling units on 28.32 acres of currently vacant land is consistent with future land use (1DU/AC residential) and zoning (R-1 estate dwelling) and applicable sections of Land Development Code was approved by Broward County and Town of Davie and known as "Davie Estates" Plat per Town of Davie Resolution No. R-2007-83 including those portions of land which were previously conveyed to the Town of Davie by Quit Claim Deed dated October 31, 1978 and filed December 19, 1978 in Official Records Book 3937, Page 588 (Clerk's File No. 78-334652), of the Public Records of Broward County, Florida.

Please consider this justification letter - to vacate mentioned above portions of land submitted with attachments, same as it was already approved by Plat and signed by Town Council on September 10, 2008, in order to support the petition for right-of-way/easement vacation/abandonment which act is formally required prior to this Plat being recorded by Broward County.

Sincerely,

Boris Belfer

Boris Belfer, MSCE

Encl.

2699 Stirling Road, Suite C-202, Fort Lauderdale, Florida 33312,
☎ Tel: (954) 986-9899 • 📠 Fax: (954) 986-6655 • ✉ Email: ggbeng@bellsouth.net

78-334652

This Indenture

Wherever used herein, the term "party" shall include the heirs, personal representatives, successors and assigns of the respective parties herein, the use of the singular number shall include the plural, and the plural the singular; the use of any gender shall include all genders, and, if used, the term "male" shall include all the sexes herein described if more than one.

Made this 31st day of October, A. D. 1978,
Between ALVIN FISHER, TRUSTEE, an undivided 47 1/2%;
GARY R. GERSON, an undivided 37 1/2%; STANLEY BERK, an undivided 7 1/2%;
and JACK HOLTZMAN, an undivided 7 1/2%,

Broward and State of Florida, of the County of
and TOWN OF DAVIE, party of the first part,

6591 S. W. 45th Street, Davie, Fla. 33314

Broward and State of Florida, of the County of

Witnesseth, that the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) Dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Broward State of Florida, to wit:

See Legal Descriptions attached hereto and made a part hereof.

78 DEC 19 PM 3:43



In Have and to Hold the same, together with all and singular the appurtenances therunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

Janet A. Lutz
Richard E. Lutz

Alvin Fisher, Trustee
ALVIN FISHER, TRUSTEE, an undivided 47 1/2% interest
Gary R. Gerson
GARY R. GERSON, an undivided 37 1/2%
Stanley Berk
STANLEY BERK, an undivided 7 1/2%
Jack Holtzman
JACK HOLTZMAN, an undivided 7 1/2%

State of Florida,
County of BROWARD

I Hereby Certify That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, ALVIN FISHER, TRUSTEE, an undivided 47 1/2%; GARY R. GERSON, an undivided 37 1/2%; STANLEY BERK, an undivided 7 1/2%; and JACK HOLTZMAN, an undivided 7 1/2%,

to me well known to be the person described in and who executed the foregoing instrument and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal at Hollywood, County of Broward and State of Florida, this 31st day of October, A. D. 1978.

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JAN. 23 1980
BONDED THRU GENERAL INS. UNDERWRITERS.

Richard E. Lutz
Notary Public
My Commission Expires

THIS INSTRUMENT PREPARED BY

Richard Leben, Esq.
MEYER, LEVEN, FIXEL & CANTOR, P.A.
ATTORNEYS AT LAW, 2495 HOLLYWOOD BOULEVARD
HOLLYWOOD, FLORIDA 33020

REC 7927 MAR 5 1988

2014

RIDER TO QUIT CLAIM DEED

The South 50.0 feet of the North 250.0 feet of Tract 38, Section 35, Township 50 South, Range 41 East, "EVERGLADES LAND SALES COMPANY SUBDIVISION" according to the Plat thereof, recorded in Plat Book 2, page 34, Dade County records. Said lands situate in Davie, Broward County, Florida. LESS the West 25.0 feet, AND LESS the East 210.0 feet. TOGETHER WITH all that portion of land lying within 50.0 feet of a radius point located 210.0 feet West of the East line of said Tract 38, and 225.0 feet South of the North line of said Tract 38.

The North 50.0 feet of the South 250.0 feet of Tract 40, Section 35, Township 50 South, Range 41 East, "EVERGLADES LAND SALES COMPANY SUBDIVISION" according to the Plat thereof, recorded in Plat Book 2, page 34, Dade County records. Said lands situate in Davie, Broward County, Florida. LESS the West 25.0 feet, AND LESS the East 210.0 feet. TOGETHER WITH all that portion of land lying within 50.0 feet of a radius point located 210.0 feet West of the East line of said Tract 40, and 225.0 feet North of the South line of said Tract 40.

The West 25.0 feet of Tracts 38-39-40, Section 35, Township 50 South, Range 41 East, "EVERGLADES LAND SALES COMPANY SUBDIVISION" according to the Plat thereof, recorded in Plat Book 2, page 34, Dade County records. Said lands situate in Davie, Broward County, Florida.

The East 50.0 feet of Tracts 38-39-40, Section 35, Township 50 South, Range 41 East, "EVERGLADES LAND SALES COMPANY SUBDIVISION" according to the Plat thereof, recorded in Plat Book 2, page 34, Dade County records. Said lands situate in Davie, Broward County, Florida.

RECORDED IN THE OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
R. R. KAUTH
COUNTY ADMINISTRATOR

REF 7987 PAGE 589

RESOLUTION NO. R-2007-88

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "DAVIE ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the proposed plat to be known as the "Davie Estates" was considered by the Town of Davie Planning and Zoning Board on February 14, 2007;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The plat known as the "Davie Estates" is hereby approved subject to the conditions stated on the planning report which is attached hereto as Attachment "A" and made a part hereof.

SECTION 2. The Mayor is authorized to sign said plat on behalf of the Town and the Town Clerk is directed to affix the Town seal to said plat.

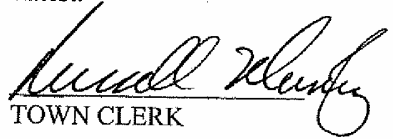
SECTION 3. Any improvements required to satisfy Traffic Concurrency should be located within the Town of Davie.

SECTION 4. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 7th DAY OF March, 2007.


MAYOR/COUNCILMEMBER

Attest:


TOWN CLERK

APPROVED THIS 7th DAY OF March, 2007.

This instrument prepared by/return to:
John C. Rayson, Esq.
Second Floor #200
2400 E. Oakland Park Blvd.
Fort Lauderdale, FL 33306

QUIT CLAIM DEED

THIS QUIT-CLAIM DEED, Executed this ____ day of _____, 2010, by First Party TOWN OF DAVIE, Florida municipal corporation, whose post office address is 6591 Orange Drive, Davie, Florida 33314, to Second Party, DAVIE ESTATES 2004, LLC, a Florida limited liability company, whose post office address is 2320 Hollywood Blvd., Hollywood, Florida 33020:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successor and assigns corporations, wherever the context so admits or requires.)

WITNESSETH, that the said first party, for and in consideration of the sum of **Ten Dollars (\$10.00)**, in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release, and quit-claim unto the said second party forever, all the right, title, interest, claim, and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Broward, State of Florida, to-wit:

See Exhibit A, sketch and legal, attached hereto and made a part hereof.

This Quit Claim Deed conveys a portion of the real property previously conveyed to the Town of Davie pursuant to that certain Quit Claim Deed dated October 31, 1978 and recorded under Clerk's File No. 78-334652, in Official Records Book 7937, Page 588, Public Records of Broward County, Florida.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

TOWN OF DAVIE

Witness sign above print name below

By:

Name: _____

Title: _____

Witness sign above print name below

STATE OF FLORIDA
COUNTY OF BROWARD

I HEREBY CERTIFY, that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____, to me known to be the person(s) described in and who executed the foregoing Quit-Claim Deed and that (he)(she)(they) acknowledged before me that (he)(she)(they) executed the same of (his)(her)(their) own will and deed.

I relied upon the following form(s) of identification of the above named person(s) _____. An oath (was) (was not) taken.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2010.

Notary Signature

Printed Notary Signature



Patriot Surveying and Mapping, Inc.

3748 NW 124th Avenue Coral Springs, Florida 33065

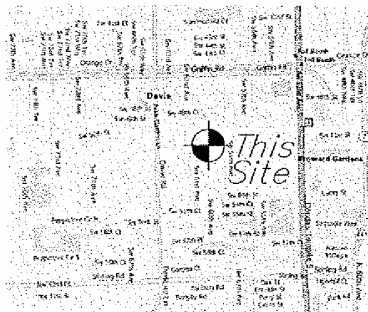
Phone: (954) 509-0083

Fax: (866) 495-0203

LB # 7303

- Sketch and Description -

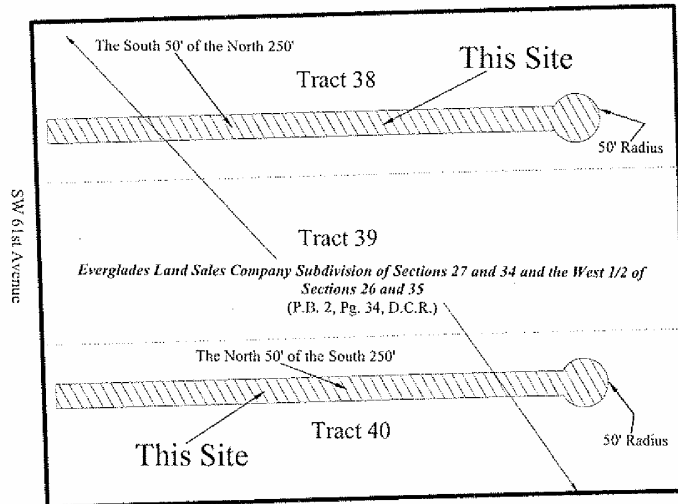
Sheet 1 of 2



Location Map

Not to Scale

Tract 37



Tract 41

Survey Notes

1. This is not a survey, but only a graphic depiction shown hereon. No boundary corners were set in the field related to this sketch.

Legend

P.B. = Plat Book
Pg. = Page
D.C.R. = Dade County Records

Stephen Vrobel

January 18, 2010

Stephen Vrobel
Professional Surveyor and Mapper No. LS3512
State of Florida

Not Valid without the signature
and original raised seal of a Florida
licensed Surveyor and Mapper

Updates and Revisions	Date	By	QC	NOTE: The undersigned and PATRIOT SURVEYING AND MAPPING, INC. make no representations or warranties as to the completeness of the information reflected hereon pertaining to easements, right-of-way, set-back lines, reservations, agreements or other matters of record. This instrument is intended to reflect or set forth only those items shown in the references above. PATRIOT SURVEYING AND MAPPING, INC. did not research the public records for matters affecting the lands shown. This instrument is the property of PATRIOT SURVEYING AND MAPPING, INC. and shall not be reproduced in whole or in part without written permission of PATRIOT SURVEYING AND MAPPING, INC.	
Revise Legal Description	01-16-10	MK	SV		
Job No. 0402-015	Drawn By: MRK	QA / QC: DJG	FB.	PG.	Not to scale



Patriot Surveying and Mapping, Inc.

3748 NW 124th Avenue Coral Springs, Florida 33065

Phone: (954) 509-0083

Fax: (866) 495-0203

LB # 7303

- Legal Description -

Sheet 2 of 2

The South 50 feet of the North 250 feet of Tract 38, Section 35, Township 50 South, Range 41 East, *Everglades Land Sales Company Subdivision of Sections 27 and 34 and the West 1/2 of Sections 26 and 35*, according to the plat thereof, recorded in Plat Book 2, page 34, Dade County Records. Said lands situate in the Town of Davie, Broward County, Florida. *LESS* the West 25 feet, and *LESS* the East 210 feet. *Together With* all that portion of land lying within 50 feet of a radius point located 210 feet West of the East line of said Tract 38, and 225 feet South of the North line of said Tract 38.

Said lands situate, lying and being in the Town of Davie, Broward County, Florida and containing 59,761 square feet (1.4 acres), more or less.

Together With:

The North 50 feet of the South 250 feet of Tract 40, Section 35, Township 50 South, Range 41 East, *Everglades Land Sales Company Subdivision of Sections 27 and 34 and the West 1/2 of Sections 26 and 35*, according to the plat thereof, recorded in Plat Book 2, page 34, Dade County Records. Said lands situate in the Town of Davie, Broward County, Florida. *LESS* the West 25 feet, and *LESS* the East 210 feet. *Together With* all that portion of land lying within 50 feet of a radius point located 210 feet West of the East line of said Tract 40, and 225 feet North of the South line of said Tract 40.

Said lands situate, lying and being in the Town of Davie, Broward County, Florida and containing 59,756 square feet (1.4 acres), more or less.

Job No. 0402-015

Drawn By: MRK

QA / QC: DJG

FB. PG.

Not to scale



Engineering -- Design Department
2601 SW 145th Ave Miramar, FL 33027

Friday, March 19, 2010

Boris Belfer, M.S.C.E.
GGB Engineering, Inc.
2699 Stirling Road, Suite C-202
Ft. Lauderdale, FL 3312

RE: " **Davie Estates Plat** "
Parcel ID # 504135020080, 504135020090, 504135020100
Davie, FL
Comcast ID Number: 3809 Comcast Node Print xxxx

Dear Mr Belfer, M.S.C.E.

Please Be Advised, ...in reference to the **Davie Estates Plat** Comcast has ***no objection and approves*** to the proposed plat...as outlined in the above referenced project.

Should you have any further question, please feel free to call me at 1-954-447-8405 fax 1-954-534-7083 or e-mail at Leonard_Maxwell-Newbold@cable.comcast.com

Sincerely,

**Leonard
Maxwell-
Newbold**

Digitally signed by Leonard Maxwell-
Newbold
DN: cn=Leonard Maxwell-Newbold,
o=Comcast ABB Management Corp.,
ou=Comcast Regional Design Center,
email=leonard_maxwell-
newbold@cable.comcast.com, c=US
Date: 2010.03.19 15:43:30 -04'00'

Leonard Maxwell-Newbold
Regional Permit Administrator
Comcast / Southern Division (RDC)
3/19/2010 3:43:13 PM

cc: **GGB Engineering, Inc.. Folder**
File

MUID #3809~ 3/19/2010 3:43:13 PM